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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,567	10/25/2003	Nick E. Ciavarella	GOJ 03031	2169
26360 7590 06/10/2010 RENNER KENNER GREIVE BOBAK TAYLOR & WEBER FIRST NATIONAL TOWER, SUITE 400 106 SOUTH MAIN STREET AKRON, OH 44308-1412				
			EXAMINER JACYNA J CASIMER	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 06/10/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/693,567

**Applicant(s)**

CIAVARELLA ET AL.

**Examiner**

J. Casimer Jacyna

**Art Unit**

3754

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Winder 5,489,047. Winder discloses a universal collar that is attached between a pressurized fluid pump 16 and a container 18 having a valve and which container 18 is part of a dispenser with an outlet dispensing nozzle 14 and is capable of being used with a keyed dispensing system as claimed (note that the keyed dispensing system is not part of the claimed combination, only the collar), with the universal collar including a body 24 with an axial bore surrounding the centerline in figure 6, a first flange 52, a second flange 58, with a keyless portion between the flanges to which is secured container portion 34 that is capable of bypassing a keyed system as claimed, and a recess 46 that receives a container 18 projection 48 on the upper portion of the container assembly with the recess being located in an axially extending top edge 44 (claim 7) which circumscribes portion 31 of container 18 and notches in between the flange portions 58 as shown in figure 6 and the other element 46 in flange 52 (one element 46 being the recess as claimed and the other 46 being the notch). Note that as claimed, there is no structural difference between the notches and the recess.
3. Claims 2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Taljaard UK 2,088,837. In regard to claim 2, the embodiment of figures 3-5 of Taljaard disclose a universal collar that is attached to a container 48 used in a dispenser 58 and is capable of being used with a keyed dispensing system as claimed (note that the keyed dispensing system is not part of the claimed combination, only the collar), with the universal collar including a body as is the assembly shown in the embodiment of figures 3-5 with an axial bore surrounding the

centerline in figure 3, a first flange as is the front portion of 46 abutting 62, a second flange 54, with a keyless portion between the flanges as claimed that is capable of bypassing a keyed system as claimed, a rib as is one of 64 that is forwardly located with respect to the flanges which ribs connect the flanges by mating with 66 to thereby hold the flange portions together and connect them as claimed which ribs will be vertically oriented when the dispenser is in a storage position with the outlet at 76 facing up, wherein the flanges define notches as are the notches (66) in 60 that are opposite to so as to mate with front ribs 64 and notch 62 at the base of the front portion of flange 64 wherein 62 is located at the distal end of the collar opposite from the ribs 64.

In regard to claim 5, the embodiment of figures 3-5 of Taljaard disclose a universal collar that is attached to a container 48 used in a dispenser 58 that includes a gravity based fluid pump 26 within the dispenser and is capable of being used with a keyed dispensing system as claimed (note that the keyed dispensing system is not part of the claimed combination, only the collar), with the universal collar including a body as is the assembly shown in the embodiment of figures 3-5 with an axial bore surrounding the centerline in figure 3, a first flange as is the front portion of 46 adjacent 62, a second flange 40, with a keyless portion between the flanges as claimed that is capable of bypassing a keyed system as claimed, and a top edge 52, 54 that define a recess with a base as is the central annular wall with 52 and 54 being the upstanding sides of the recess that receive a container projection 56 and notches 66 in 40 that receive the ribs 64 and 62 on 46. In regard to claim 6, sidewall 52 is oblique on the right side immediately above the pointer for the right 78. In regard to claim 7, top edge 52, 54 circumscribes the container 58 as shown in figure 4.

4. Applicant's arguments filed 3/30/2010 have been fully considered but they are not persuasive. Inasmuch structure of a flange as is claimed, element 58 of Winder is a notched flange. Applicant contends that the top edge 44 does not circumscribe the container. The rejection has been rewritten to show that the valved dispenser housing 18 is the container which is connected to the fluid pump 16 by the collar 24 and top edge 44 does circumscribe container 18. Taljaard has been rewritten to more distinctly describe the ribs and the notches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/  
Primary Examiner, Art Unit 3754